

OXFORD IB DIPLOMA PROGRAMME



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GLOBAL POLITICS

COURSE COMPANION

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OXFORD



2 HUMAN RIGHTS

Key concepts

- Justice
- Liberty
- Equality

Learning outcomes

- Nature and evolution of human rights
- Codification, protection and monitoring of human rights
- Practice of human rights
- Debates surrounding human rights: differing interpretations of justice, liberty and equality



The concept of human rights and how they have been incorporated into our daily lives has taken on a growing importance in global politics during the 20th century. This unit will investigate and examine what this means for our analyses and understanding of power, politics and social change. We will discuss the evolution of human rights before the United Nations' (UN's) Universal Declaration of Human Rights in 1948, as well as the assertions and claims of its various definitions.

The key concepts for this topic are *justice*, *liberty* and *equality*. These components are found on various geographic levels, from the local to the global, and from the arguments surrounding cultural relativity to the debates about whether human rights should be universal.

Human rights are most often understood in terms of rights of the individual and rights of the collective. However, the description and use of human rights as a concept is more complex. In order to go further in our analysis we will look at past examinations of people, power and politics, as well as the aspects of culture and society that some definitions of human rights may fail to include in general usage.

We will also discuss whether the struggle for human rights is always positive, as well as for what political purposes they are used.

The definition of human rights is continually undergoing change, from academic discussions and debates adding complexity to the meaning (such as Karel Vasak's division of human rights into three "generations" or types, which we will explore later in this Unit) to the updated covenants and conventions that are often initiated by the United Nations and other Non-government Organizations (NGOs). We will conclude with some questions for thought on what this ongoing change means for the concept and its uses, particularly for politics and power.

Key questions

- Are there more significant concepts that may be used to describe our current state of global politics and the interaction of people and power on various levels and for particular purposes?
- Does the generality of the concept of human rights suffice to offer goals for humanity and a reasonable agenda in this era of rapid globalization and social change?
- Who would be in charge of that agenda and what problems may it cause?
- What are some alternatives?

2.1 The development of human rights



- ▲ A painting depicting the Declaration of the Rights of Man and of the Citizen, an act passed in France on 26 August 1789 with 17 articles that define the rights of citizens and the nation

What are human rights?

The most common contemporary definition of human rights is that they are rights held by individuals simply because they are human. These rights are universal, do not have boundaries of sex, gender or nationality, and can be claimed individually or in groups.

Human rights are then those entitlements that are part of the existence of humans, and we may divide these into two categories:

Positive rights refer to rights that are protected by authority, both local and global, and include goods and services that allow people to survive, such as education, protection from harm, places to live and care.

Negative rights are rights that do not require intervention by outside agency. These include the right to live, the absence of torture, community control of the community and the individuals who live within them and self-determination.

Many have noted that in practice the distinction between positive and negative rights is largely circumstantial – based on access to resources and economic, political and social rights. For example, the right to food is a positive right in East Los Angeles, USA, where a lack of local resources means that food must be provided by outside forces, but it is more of a negative right in the wheat fields of Kansas, USA, where the abundant resources can only be taken away through external intervention¹.

This distinction between negative and positive rights is a product of Enlightenment writers and of the French Revolution, where the concepts of liberty, fraternity and equality were taken to apply to all human beings. As the times changed and economic control became a part of contemporary realities, these came to include, for example, the rights of workers and of indigenous people. Today, most definitions of human rights start with the Universal Declaration of Human Rights and the evolution of these rights as they have been debated and amended in the years since.

A brief history of human rights

The term “human rights” as it is applied to contemporary politics and society is relatively recent, coming into common use in the 1940s, after the Second World War and as a result of the United Nations’ Universal Declaration of Human Rights (UDHR). Before these events, the term was rarely used and there were no social movements that invoked human rights as their organizing principle. Many people assume that because we now hear about human rights in many forms – for example, the claims by indigenous peoples for their ancestral lands and language, the demands for many around the globe for livable housing and working



conditions, the documented lack of medical services and drinkable water for populations in every part of the world and the place of human rights in trade agreements, to name a few – that this concept of human rights is one that is part of a long history involving the relationships within and between countries. But like globalization, as discussed in Unit 1, the struggle for rights is an integral part of human existence.

For the purposes of this course, our central focus will be on what human rights *are* and who decides which are enforceable and which are not. René Cassin, one of the drafters of the Universal Declaration of Human Rights in 1948, used the declaration of the French Revolution as a starting point. Again, however, the French Declaration does not account for specific attempts at delegating human rights to specific populations, and the legislative processes needed to enforce them. Hence our important question: on what level (geographic and political) are human rights enforced and realized within societies, communities and ruling bodies?

ATL Thinking and communication skills

With a partner discuss the concept of human rights and when it was introduced into our general vocabulary. Where did it come from? Is it different from other ideas of rights that were discussed before this term came into general use? Can you provide any examples for the class to discuss?



▲ Demonstrators protest against Brazilian President Dilma Rousseff and the ruling Workers Party at Paulista Avenue in Sao Paulo, Brazil

The evolution of society and human rights

Statements of intrinsic rights can be found in all of the world's religions. They are held to be the entitlements of human beings as part of our birthright. However, the practice of human rights is contextual, or dependent on time and place. The current concept of human rights is a product of complex society, that is, societies that are multilayered and have a multipart division of labour that incorporates both those who have easy access to resources and those who do not.

The question of when we can identify a beginning for the history of human rights is one that has produced controversy. Ishay (2004: 6)² notes that this is a politically charged question, and one that is difficult to answer. Many accept the commonly held view that ancient Greece and Rome offer early examples of the ethical presentation of human rights, while acknowledging that, for example, the concepts of punishment and justice were present

in ancient Babylon, Hindu and Buddhist beliefs, which also included a defence of the natural ecosystem, which was recognised as essential to our ability to survive on Earth. Confucianism advocated education for all, and both Christianity and Islam promoted human solidarity (Ishay 2004: 7). These are important developments to include, as a common belief still exists that the West has demonstrated the most advanced incorporation of rights, but as we have seen within the UDHR committee members themselves, there are significant differences among societies around the globe. The existence of written evidence of the consideration of rights within social structures does not automatically provide evidence of a moral superiority. Eric Wolf explains in his classic *Europe and the People Without History*³ that we often mistake current social conditions as historically universal for all societies. However, human societies have evolved at different speeds and in varying conditions. Some argue that we only begin to see significant similarities among societies that developed in similar natural (ecological) conditions, and later, more significantly, during the massive global changes that came with colonialism and the imposition of outside powers over indigenous social organizations.

We have been taught, inside the classroom and outside of it, that there exists an entity called the West, and that one can think of this West as a society and civilization independent of and in opposition to other societies and civilizations. Many of us even grew up believing that this West has a genealogy, according to which ancient Greece begat [brought into existence] Rome, Rome begat Christian Europe, Christian Europe begat the Renaissance, the Renaissance the Enlightenment, the Enlightenment political democracy and the industrial revolution. Industry, crossed with democracy, in turn yielded the United States, embodying the rights to life, liberty, and the pursuit of happiness.

– Eric Wolf

Given the nature of written human rights and its development through Western philosophy, it is fair to conclude that the most popular conception of human rights is European in origin. We have seen how different approaches and views have given Europe, and later the United States, a definitional advantage in the creation of belief systems around human rights, and our general perceptions worldwide have been strongly influenced by current ideas in the most industrialized nations. The assertions of **cultural rights** on the other hand is a more complex topic that concerns the differences in systems on and within different continents, and has provided the material and arguments against accepting the Western version of human rights as the generalized ideal. One assumption that we can safely make is that the development of human rights has always been connected to events and to social movements. Just as World War II and the horrors of the Holocaust was the primary mover for the UN's commission of the United Nations Universal Declaration of Human Rights, so have indigenous movements, ethnic and gender movements, labour struggles, religious movements and wars over resources and access to those resources been driving forces for the designation of rights for these groups and particularly the "generations" of rights discussed below.

The Greeks and the Romans are the two early civilizations most recognized for having considered the "rights of man", and Plato and Aristotle are often cited for referencing "virtue" as a central characteristic of human life (Ishay 2007: 63).



Ancient Greece and Rome

Many scholars and public policy makers mention ancient Greece and Rome as starting points for the discussion of human rights because of the significance they hold in the evolution of complex societies, particularly in the West. They also both hold important reference points for the European Enlightenment, where the idea of universal human rights began to take on form and substance.

The social constructs of ancient Greece and Rome both relied on the belief that human beings have the capacity to reason. While this belief did not guarantee that there would be equal access to resources by all and that inequalities would not exist, the structure of these ancient civilizations did lead to what we now understand to be universal rights and the common good. It also does not present a complete picture of Greece and Rome, for as Wolf (1982: 5) also warns, history is not simply an unfolding of moral purpose: “What would we learn of ancient Greece, for example, if we interpreted it only as a prehistoric Miss Liberty, holding aloft the torch of moral purpose in the barbarian night?” Our use of Greece and Rome as precursors to our current analyses of human rights tells us of but one variable in the social relations within these complex societies, and cannot serve as a baseline for the study of these societies on its own.



▲ A depiction of the interior of the Parthenon in Athens, Greece

Greece, Rome and “natural laws”

Both Greece and Rome recognized a distinction between “natural laws” and “custom”. The latter would vary from place to place according to the convention, but the former were universal. After the 15th century these “natural laws” became associated with “natural rights”. While philosophers and clerics of the Middle Ages had recognized the *duties* of humans, they did not specifically identify rights. However, with changes in social structures, specifically with the decline of European feudalism and the Peace of Westphalia, which was instituted in 1648, labour



▲ The swearing of the oath of ratification of the treaty of Munster in 1648, Gerard ter Borch [1617–1681]

The **Magna Carta**, or the “Great Charter” was signed by King John of England on June 15, 1215, in order to soothe the complaints of forty Barons in the English countryside who felt that they were not getting a fair share of their rights and property from a greedy king. It stated (in part) that “to no one we sell, to no one will we deny or delay, right or justice.” Just ten weeks after its agreement, Pope Innocent III destroyed the agreement, and England fell into Civil War. King John had hoped that the institution of the Magna Carta would calm the Barons and then fall into obscurity, but the Pope saw it as an attempt to weaken royal rights over the people and as such illegal and unjust. The rule over the lives and work of people was important to a feudal system where the aristocracy owned the land and allowed people to work on it for a price.

The **Charter of the Forest** written in 1217 was sealed by Henry III, and was a reworking of the Magna Carta, assigning the ownership of the forests to the aristocracy. It was put into law in 1225. What was important about the Charter of the Forest was that it stipulated that land that was unfairly taken by the king would be given back to the Barons, and that free men would have limited use of the land for special purposes. This was again an attempt to solidify feudal law, where the aristocracy had control over the English forests and land. Much later the **Petition of Right** (1648) and the **English Bill of Rights** (1689) established rights for individuals, weakening the feudal system.

Class discussion

- 1 What was the relationship among the four documents mentioned above?
- 2 Did these documents lead to the principals of the French Revolution or not?
- 3 What was the purpose of the French Revolution?

could be provided to advance a declining feudalism and a growing industrialization. Social changes were taking place all over Europe, and were evidenced by the Magna Carta (1215), the Charter of the Forest (1217), the Petition of Right (1648) and the English Bill of Rights (1689). All of these documents recognized the rights of the individual, culminating in the French Revolution that witnessed the final demise of feudal systems. These rights became more prominent and embedded in social laws during the 18th and 19th centuries and were presented in documents and charters that revolutionized the social orders of Europe, solidified by the French Revolution and the spread of the catchphrase of “Liberty, Equality and Fraternity”.

These social changes and the reorganization of rights and duties that they represented resulted in a more complex labour system and a core reorganization of the division of labour. No longer did individuals and families have land designated by feudal lords on which they could grow their own foodstuffs, instead, mercantile organizations ruled over the production and distribution of goods for which they needed labour to keep running. Those without land were forced to sell their labour in order to buy those foodstuffs that could feed their families. With this reorganization came a reconsideration of rights and a naming of rights based on this evolution of the division of labour and the control over labour that it presented. The social stratification that became more solidified after the French Revolution was based on the ownership of production and the ability to accumulate goods and the means to trade those goods. This is often recognized as the beginnings of the era of capitalism in which we now live.

Capitalist societies

Capitalist societies have status differences and hierarchies as part of their core organization, and are therefore built on the differences among groups to access the resources needed to live. Equalitarian societies had no need for “human rights” as such, as all community members were by definition equal. Community labour was for the production of goods that were used in the community and/or traded with other communities that had items not available locally. Status in hunting-and-gathering societies was often a temporary designation and task-oriented (such as building a canoe or organizing a trading expedition) and disappeared once the task was completed.

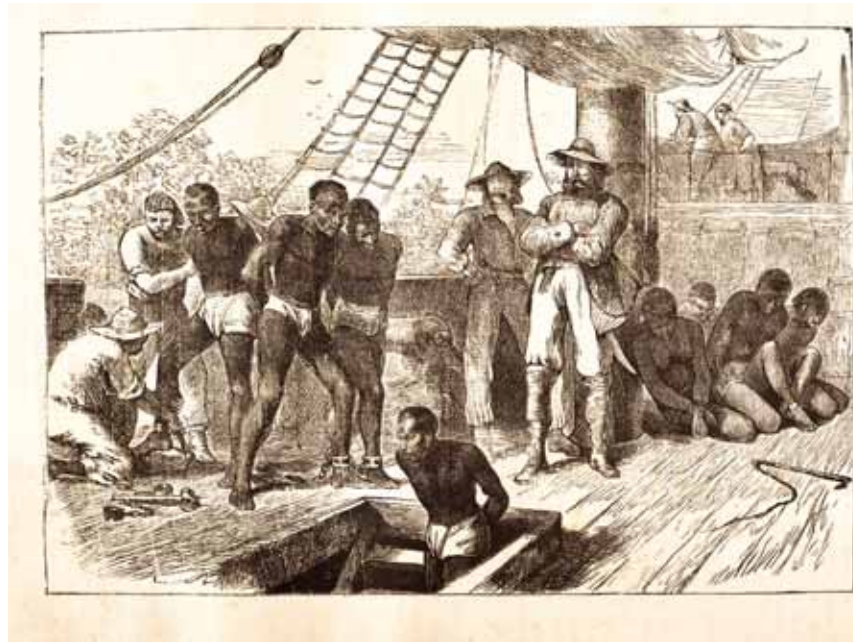
It is when labour began to be in the control of others, whether through a feudal lord or the selling of one’s labour as a commodity to others for survival, that human rights and their *violation* becomes a phenomenon built into the functioning of social organization. This occurs when the labour of the community or individual is no longer for the use or consumption of the producer but for exchange in the market. The individual or group that controls the exchange or product gains power through their control over the materials that are needed to maintain life. The production process changes fundamentally when products are produced for exchange rather than community consumption.

Anthropologists have noted that this change often happened in the 19th and 20th centuries as a result of colonialism, when the autonomous



evolution of societies was destroyed and rapidly replaced by the rule of colonial expansion and the reconstruction of societies for the benefit of outside forces. These outside forces easily outpowered indigenous social organization and production; groups of people were given tribal names by outside managers and land was divided into tribal sectors with appointed leaders who worked for colonial administrators. During this period, human rights, both in the way that we know them today and in their most broad definition, were brutally violated. Slaves were shipped off to foreign lands without their kin groups or communities, and forced labour and physical trauma were the earmarks of colonial rule.

With the major changes that occurred during the 18th and 19th centuries and the evolution of the division of labour, new rights were advocated, most significantly by workers and their families for their own protection. The political realities that were growing among the “haves” and the “have-nots” initiated movements, both peaceful and violent, for the rights to organize trade unions, the protection of child labour, universal suffrage, control over workday hours, the rights to education and the like (see Ishay 2004: 9). From these movements came the recognition of the need for rights that were the precursors of entitlements won by workers and other social movements, and examples for the recognition of rights that led to the Universal Declaration of Human Rights in 1948.



▲ This steel engraving shows slaves being loaded on to a ship in 1881

The Declaration and its initial considerations

While the European Enlightenment ideals serve as precursors to what we now refer to as human rights, it is important to remember that they are the precursors of the debates that accompanied the Universal Declaration of Human Rights. As we saw above, the committee that put together the Declaration, started in Eleanor Roosevelt's Greenwich Village apartment, had agreed to disagree on some of the important differences that came to light after the Declaration was adopted by the United Nations. In its development, for example, it had been sent to the then Executive Director of the American Anthropological Association, Melville Herskovits, asking for his viewpoints on its claims. Herskovits, who had done his anthropological fieldwork in Africa, wrote to them to say that the American Anthropological Association disagreed with many of its main points, and particularly its orientation towards Western views focused on the rights of the individual.

This focus on Western beliefs and behaviour was commented on in many disciplines at the time, with much disagreement with the Declaration's main audience. Given that the Declaration was a direct result of the Second World War and the horrors of the Holocaust, this is not a surprising outcome.

2.2 The United Nations' Universal Declaration of Human Rights



The United Nations' Universal Declaration of Human Rights, adopted on 10 December 1948, is the most translated document on the planet, and sets a "common standard" for the achievement for all peoples and all nations. The Declaration was developed largely with the recognition that there had been horrible and barbarous acts carried out by nations during the Second World War, and that these acts could not be allowed to be repeated. The United Nations commissioned a group of scholars and activists from around the world to produce this document, and the Declaration was initiated in the New York apartment of Eleanor Roosevelt, wife of the then US president. However, despite the best of intentions, these leaders and activists, representing both Eastern and Western societies and cultures, were often in disagreement, and Eleanor Roosevelt was forced to concede that there would always be differences that would just have to be accepted. Out of this collaboration came the following document, which outlined basic rights for all citizens of Earth. This document, however, was not the end of the differences on the meaning of human rights, particularly between East and West.

The Universal Declaration of Human Rights

The preamble to the Declaration sets the scope of contemporary human rights:

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore, the General Assembly proclaims ...



▲ Eleanor Roosevelt holding the Universal Declaration of Human Rights, 1949

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

- 1 Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.
- 2 No one shall be held guilty of any penal offence on account of any act or omission.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

- 1 Everyone has the right to freedom of movement and residence within the borders of each State.
- 2 Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

- 1 Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- 2 This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

- 1 Everyone has the right to a nationality.
- 2 No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

- 1 Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- 2 Marriage shall be entered into only with the free and full consent of the intending spouses.
- 3 The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

- 1 Everyone has the right to own property alone as well as in association with others.
- 2 No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

- 1 Everyone has the right to freedom of peaceful assembly and association.
- 2 No one may be compelled to belong to an association.

Article 21

- 1 Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- 2 Everyone has the right to equal access to public service in his country.
- 3 The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

- 1 Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- 2 Everyone, without any discrimination, has the right to equal pay for equal work.
- 3 Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.



- 4 Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

- 1 Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
- 2 Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

- 1 Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- 2 Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- 3 Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

- 1 Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
- 2 Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

- 1 Everyone has duties to the community in which alone the free and full development of his personality is possible.
- 2 In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
- 3 These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Activity

- 1 What events led to the establishment of the Universal Declaration?
- 2 What rights does the UDHR propose and how were they accepted by member nations?
- 3 Which nations did not agree with these rights and why?
- 4 How have human rights evolved since the initial declaration?

2.3 The three “generations” of human rights



▲ French Revolution 1789: Allegorical emblem of the Republic

Our contemporary understanding of human rights relies on the key concepts of human rights, justice, liberty and equality. As the popularity of the UDHR increased outside the confines of the United Nations, various stakeholders and organizations – both government and non-government (NGOs) – saw a need to supplement the document with rights that could relate to all of the world’s peoples. Growing social movements, such as the right for equal participation by women in society and the defence of cultural rights for social groups, pushed those participating under the banner of the UDHR to campaign for the inclusion of their ideals in the declaration.

The Czech activist and jurist Karel Vasak first proposed the division of human rights into three categories that corresponded with the three prominent features of the French Revolution: fraternity, liberty and equality. This would produce, Vasak reasoned, a common set of principles that could be applied universally, and that would include all peoples without differences dependent on religion, culture, location, gender or government. This takes us back to the fundamental tenet of rights: that they are part of each individual, cannot be differentiated by access to resources or bought and sold; they are indivisible.

First Generation Rights, or civil and political rights, correspond to the French concept of *liberty*, and are grounded in the freedom of the individual to have opinions, to act politically, to engage in religion and, importantly, to assemble together without interference. These also include freedom from torture and slavery, the violation of which has once again become common in all parts of the world.

Second Generation Rights are economic and social rights that correspond most closely to the French call for *equality*, and include the right to work, access to healthcare, a roof over one’s head and food. They are sometimes referred to as “security-oriented rights” as they allow the individual the rights to live, work and to reproduce their families and their communities.

Third Generation Rights are sometimes referred to as cultural rights, corresponding to the French idea of *fraternity*. These include the right to live in a reasonable environment, political rights and economic development. Of all the generations of rights, the Third Generation most clearly includes collective as well as individual rights, especially the formation of political parties and of economic development on all geographic levels.

The generations of rights are more often invoked in political discussions and by activists, rather than widely recognized by the public. Debates around them include the resistance of Second Generation rights by those who deem them socialist and/or long term. More generally,



many have argued that these rights are indivisible, and separating them into generations causes contradictions and obligations to States that are unfair or unevenly applied depending on the form of government or stage of industrial development. Instead, rights are argued to be interrelated and interdependent, and thus cannot be separated out according to the situation in which they are applied.

Beyond the Third Generation, the rights as formulated are highly individualistic, and are dependent on the historical processes of the French, English and American revolutions. They are not easily separated given more contemporary circumstances – for example, arguments over the rights surrounding conflict with current debates about climate change and pollution. Many in the developing world insist that they should have the same rights to pollute the atmosphere as the industrialised countries had. The rights promoted by the French Revolution were specifically aimed at existing States and politics that have radically changed since that era. Given the massive shifts that have taken place in the past 50 years, the demarcation of rights into these three categories does not often assist or benefit progress in the implementation of basic rights. While these categories still find a place in the human rights literature and in debates, they are no longer seen as crucial to the human rights discussion.

Universal rights and cultural relativism

The distinction between universal rights and cultural relativism has been a prominent source of conflict since the adoption of the UDHR by the majority of States that make up the United Nations.

Universal rights assume that certain rights are the same for all people, and that even if they contradict local practices and beliefs they are applicable to that locality's people. A good example is the practice and condemnation of genital mutilation. While many countries, mostly in the Middle East, still practice female circumcision and genital cutting on a more or less routine basis, many treaties and covenants have condemned this practice as a violation of human rights that cannot be justified under any circumstances.

Universal suffrage is another example of a universal right agreed upon by the majority of the United Nations' member countries, but this has not guaranteed that women have gained equality with men in many areas of the world.

The distinction between universal rights and cultural relativism is one that stems from the beginnings of the UN's commission that was given the task of drafting the Universal Declaration of Human Rights. As we saw earlier in this unit, as early as Eleanor Roosevelt's meetings in her Washington Square apartment, an agreement had to be reached that there would be differences around these issues and that to get a draft Declaration done, the members of the Commission would have to agree to disagree.



▲ The universal suffrage poll in Britain by Gostiaux